

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DUSTIN PHILLIP ERON,

Plaintiff,

v.

DR. BRET REYNOLDS,

Defendant.

ORDER

10-cv-698-slc

In an order entered on September 15, 2011, I gave defendant until September 23, 2011 to advise the court as to whether he agrees to a dismissal of this action without prejudice in response to plaintiff's motion to dismiss without prejudice, *see* dkt. 30. On September 23, 2011 defendant responded that he opposes dismissal of this case without prejudice. This is the usual response from a party that has already filed a motion for summary judgment motions.

The court advised plaintiff that if defendant objected to his motion, then plaintiff would have until September 27, 2011—an admittedly tight deadline—to withdraw his motion for voluntary dismissal or the dismissal would be with prejudice. If plaintiff were to have withdrawn his motion for voluntary dismissal, then he would have been required to file a response to defendant's August 12, 2011 motion for summary judgment, the reason that plaintiff sought dismissal in the first place. Plaintiff failed to respond by his deadline; in fact, as of October 11, 2011, two weeks later, plaintiff has not been heard from at all. Accordingly, this case will be dismissed with prejudice.

ORDER

IT IS ORDERED that this plaintiff Dustin Eron's motion to dismiss this case, dkt. 30, is GRANTED IN PART; the case is DISMISSED but the dismissal is WITH PREJUDICE. The clerk of court is directed to enter judgment in favor of defendant Dr. Bret Reynolds and close this case.

Entered this 11th day of October, 2011.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge